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PART-I

Notifications, Orders and Declarations by Haryana Government

STATE ELECTION COMMISSION HARYANA
NIRVACHAN SADAN, PLOT NO. 2, SECTOR-17, PANCHKULA

Order

The 11th March, 2019

No. SEC/3ME/2019/801.— The General Election of Municipal Corporation, Gurugram was held on 24.09.2017 and the result of the elected candidates was declared on same day.

2. Section 8B of the Haryana Municipal Corporation Act, 1994, every candidate at an election shall, either himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorized by him or by his election agent from the date of filing of nomination papers to the date of declaration of the result thereof, both dates inclusive. The account shall contain such particulars, as may be notified by the State Election Commission in this behalf. The total of the said expenditure shall not exceed such amount as may be notified by the State Election Commission from time to time.

3. Section 8E of the Haryana Municipal Corporation Act, 1994 further provides that if the State Election Commission is satisfied that a person has failed to lodge an account of election expenses within the time and manner, as prescribed by the State Election Commission and has no reason or justification thereof, the State Election Commission shall, by order published in the Official Gazette, declare him to be disqualified for contesting an election for a period of five years from the date of the order under this Act.

4. In pursuance of the above provisions, the State Election Commission, Haryana *vide* its notification No. SEC/3ME/2017/879, dated 18.05.2017 in exercise of powers vested under clause (i) Article 243 ZA of the Constitution of India, sub-section 3 of Section 8B of the Haryana Municipal Corporation Act, 1994 had prescribed the limit of expenditure of Rs. 5,00,000/- that may be incurred by the contesting candidate or his authorized agent in connection with election of Municipal Corporation, Gurugram and account of election expenses shall be filed/lodged with the Deputy Commissioner or any other officer prescribed by the Commission within 30 days from the date of declaration of the result of election.

5. The State Election Commissioner, Haryana in exercise of powers contained under Section 9 (1A) of the Haryana Municipal Corporation Act, 1994 authorized Assistant State Election Commissioner, Haryana *vide* order No. SEC/1ME/2017/2017, dated 01.12.2017 and further modified *vide* order No. SEC/1ME/2018/842, dated 28.02.2018 to decide the cases of disqualification of the candidates, who failed to lodge their account of election expenses.

6. As reported by the Deputy Commissioner, Gurugram, the following candidates had contested the election of Municipal Corporation Gurugram held on 24.09.2017 but failed to submit their election expenditure account:-

Sr. No.	Name of Candidate	Ward No.
1.	Kusum Khushwaha	9
2.	Dharamvir Kumar Bharti	10
3.	Hitesh Kumar	11
4.	Yogender Yadav	13
5.	Pooja Mittal	16
6.	Amardeep Sahrawat	21

7. The Commission had served a show cause notice upon them to explain as to why they should not be disqualified on account of non submission of election expenditure account within the period. They neither submitted their election expenditure statement nor responded to the show cause notice. I, had given them an opportunity of personal hearing on 15.02.2019 in the PWD Rest House, Gurugram in the interest of natural justice. Smt. Susham, LFA, Gurugram was appeared who has submitted a copy of letter dated 14.02.2019 issued by the Additional Municipal Commissioner, Gurugram to all the above said candidates. It has been observed notice of personal hearing has been delivered in person or through their family members.

8. The above mentioned contesting candidates appeared before me but had not filed any representation. Therefore, it can be concluded that they have nothing to say in the matter. Hence, they are proceeded ex-parte. The above noted candidates deserve to be disqualified. Hence I, Parmal Singh, Assistant State Election Commissioner, Haryana, hereby order that all the above 6 candidates are disqualified under Section 8E of the Haryana Municipal Corporation Act, 1994 for being chosen as, and for being a member of Municipality for a period of five years from the date of this order.

9. The office is directed to send a copy of this order to the candidate concerned through Deputy Commissioner, Gurugram immediately.

Panchkula:
The 7th March, 2019.

PARMAL SINGH,
Asstt. State Election Commissioner, Haryana.